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10/733,635

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Krisztian Kiss

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12/14/2009

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EXAMINER

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ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--|------------------------------------|--|
| Office Action Summary | Application No. 10/733,635 | Applicant(s) KISS ET AL. | |
| | Examiner SULAIMAN NOORISTANY | Art Unit 2446 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7-11 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7-11 and 20-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/21/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This Office Action is response to the application (10/733635) filed on 10/05/2009

In view of the Brief filed on 10/5/2009, PROSECUTION IS HEREBY REOPENED. A new rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims **10-11**, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims **10-11** recite “system with *controller*” which is directed at a computer program. A computer program is non-statutory because it is not considered a process, machine, manufacture, or composition of matter, or any new and useful improvement thereof. Because the claim may be directed toward a program the claim as a whole is considered non-statutory.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1, 4-5, 8-11, 20-30 are rejected under 112, second paragraph as being indefinite for failing to particularly point and distinctly claim the subject matter which applicant regards as the invention

Claim 1, “*wherein the processing occurs in accordance with the information from the database if no user preference has been indicated for the known contact addresses, the user preference indicating if a request is to be forked in parallel or sequentially*” where the claim limitation is generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Appropriate correction is required. However the claims will be given a broad reasonable interpretation for the purposes of examination as best understood.

Claims 1, 4-5, 7-11, 20-30 are rejected for similar reasons as stated for claim 1.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4-5, 7-11, 20-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Herrero**. U.S. Patent No. **US 7,177,642** in view of **Petrovykh** U.S Patent No. US **6822945**

Regarding claim 1, Herrero teaches wherein a method comprising:

registering in a controller entity a plurality of contact addresses for a user (**The specification of SIP (RFC-2543) already allows a given user to indicate in a registration message REGISTER multiple contact points where said user can be contacted – Col. 4, lines 40-42; Fig. 6 – USER-1 –USER-N**);

receiving a request at the controller entity for a communication link to the user (**user can receive incoming sessions (e.g.: voice calls) on his/her terminal from other users that have “dialed” the public ID -- Col. 2, lines 5-7**);

querying (**I-CSCF**) by the control entity a database for information (**storage means containing SD of a plurality of users**) regarding a manner regarding how to handle the request (**Once said registration request REGISTER arrives to the I-**

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CSCF, in step 3 a query is made to the HSS to determine the user registration status – Col. 10, lines 41-43) and;

processing the request in accordance with the information from the database **(an automatic process performed by the application running in the UE, wherein said data are extracted (by a request) from the USIM (storage) – Col. 10, lines 27-29).**

wherein the processing occurs in accordance with the information from the database if no user preference has been indicated for the known contact addresses **(an automatic process performed by the application running in the UE, wherein said data are extracted from the USIM containing in said UE -- Col. 10, lines 27-29).**

With respect to claim 1, Herrero is silent in terms of “*said information indicating if said request is to be forked in parallel or sequentially*”

Petrovykh teaches that is well known to utilize information indicating if said request is to be forked in parallel or sequentially **(a priority state may be applied to the plurality of customers waiting for a response from a particular agent)** in order to make the system more efficient where the subscribing agent takes action based on the customer's status and stated call back preferences (Fig. 6, unit 99 & 101-Fig. 7, step 115).

It would have been obvious to one ordinary skill in the art to modify's Herrero's invention by utilizing Data about events includes but is not limited to media type of event, event origination ID, event destination ID, and purpose of event data whereas event requirements are prioritized by pre-selected criteria. In addition, a priority state may be applied to the plurality of customers waiting for a response from a particular

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agent. In this embodiment, the customers may subscribe to estimated-waiting time alerts regardless of whether they are online or off-line. For example, a customer may indicate that an alert be sent to his or her paging device approximately five minutes before an agent is estimated to respond by calling the customer on his or her cell phone the event that the customer has gone off-line from the interfacing server. The subscribing agent is served the off-line status, which includes the preferred call back medium and the appropriate cell phone number to call. The page alert to the customer they be propagated by the interfacing server if the server is equipped with outbound dialing capability into a telephony network. In this case the server has the communication-center status information of the agent including the estimated times for the agent to handle his or her calls in queue (Fig. 6, unit 99 & 101-Fig. 7, step 115), as taught by Petrovykh.

Regarding claim 4, Herrero, Petrovykh, together taught the method as in claim 1 above. Herrero further teaches wherein the registering comprises registering the plurality of contact addresses for the user in the controller entity which is provided in association with a multimedia network” **(Fig. 6, Subscriber Data (SD) register)**.

Regarding claim 5, Herrero, Petrovykh, together taught the method as in claim 1 above. Herrero further teaches wherein the registering comprises the user registering the plurality of contact addresses in at least two different communication networks **(Method for supporting multiple registration from the same user requested from**

different terminals in a telecommunications system --Abstract, lines 1-3) .

Regarding claim 7, Herrero, Petrovykh, together taught the method as in claim 1 above. Herrero further teaches wherein the querying comprises applying a query to a sub-group of the known contact addresses (**Fig. 1 (Public user identity 1 (e.g.: SIP URL), Public user identity 2 (e.g.: E.164), Public user identity 3).**

Regarding claim 8, Herrero, Petrovykh, together taught the method as in claim 1 above, as described above. Herrero further teaches wherein indicating and assigning handling instructions for at least one contact address independently during registration of the at least one contact address (**Fig. 5 -- UE1-UE3 indicates how the users are registering through the IMS network as well as handling instruction for at least one contact address).**

Regarding claim 9, Herrero, Petrovykh, together taught the method as in claim 1 above. Herrero further teaches wherein the indicating and assigning comprises indicating and handling the handling instructions for the at least one contact address by either the user or the database (**Fig. 5 -- UE1-UE3 indicates how the users are registering through the IMS network as well as handling instruction for at least one contact address).**

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Claims 10, 11, 20 & 22 have the similar limitation as of claim 1; therefore, it's rejected under the same rationale as in claim 1.

Regarding claim 21, Herrero and Petrovykh together taught the method as in claim 1 above. Herrero further teaches wherein said querying comprises querying the database in use information storage which stores a user profile (**Said query comprises both data: the public-ID and private –ID received in the REGISTER, and will be used by the HSS to find out the corresponding SD register of said user -- Col. 10, lines 43-46; Fig. 3 (USER-N, OTHER DATA (User profile data))**).

Claim 23-30 list all the same elements of **claim 1, 4-5, 7-9**, but in storage system rather than method form. Therefore, the supporting rationale of the rejection to **claim 1, 4-5, 7-9** applies equally as well to **claim 23-30**.

Response to Amendment

Applicant's arguments with respect to claim(s) 1, 4-5, 7-11, 20-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sulaiman Nooristany whose telephone number is (571) 270-1929. The examiner can normally be reached on M-F from 9 to 5. If attempts to

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reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu, can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

Sulaiman Nooristany 12/04/2009

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446